



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

DAVID S. THAYER
Assistant Corporation Counsel
t: (212) 356-2649
f: (212) 356-1148
e: dthayer@law.nyc.gov

December 18, 2023

Via ECF

The Honorable Dale E. Ho
United States District Court for the
Southern District of New York
40 Foley Square
New York, NY 10007

Re: E.E., et al. v. N.Y.C. Dep't of Educ., et al., No. 23 CV 10302 (DEH)

Dear Judge Ho:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, the Honorable Sylvia O. Hinds-Radix, attorney for the Defendants in the above-referenced action. With the consent of Plaintiffs' counsel, I write to respectfully request 30-day extension of the time by which to respond to the Complaint, as well as a concomitant 1-week adjournment of the initial pretrial conference, currently scheduled for January 23, 2024, at 10:30 AM, and a 1-week extension of the joint letter in advance of that conference. The initial pretrial conference is the parties' next scheduled appearance before the Court.

The requested 30-day extension is necessary because I was just assigned to handle this action on behalf of the Defendants and am still investigating the facts set forth in the Complaint in this action, brought primarily under the Individuals with Disabilities Education Act and similar disability discrimination laws. This investigation includes collecting and reviewing the filings in the underlying administrative proceedings and conferring with my colleagues at the New York City Department of Education who were involved at the administrative level. The requested extension will afford additional time for this process to continue.

This is Defendants' first request for an extension of their time to respond to the Complaint. As noted, Plaintiffs' counsel has graciously consented to this request. A 30-day

extension would move Defendants' deadline from today, December 18, 2023, to January 17, 2024.

In light of the requested extension deadline's proximity to the initial pretrial conference, I also respectfully request that the deadline for the parties to submit a joint letter and Civil Case Management Plan and Scheduling Order be extended by one week, from January 16, 2024, to January 23, 2024, and that the initial pretrial conference be similarly adjourned by one week from January 23, 2024, to January 30, 2024. This would be in order to, in part, permit Plaintiffs to review Defendants' response to the Complaint in advance of those deadlines. This is Defendants' first request for an extension or adjournment of these deadlines. As noted, Plaintiffs' counsel has also consented to this request, and we have confirmed that we are available on January 30, 2024. Should the Court be unavailable on that date, I am happy to coordinate with the Court's deputy as to an alternative date for the initial pretrial conference.

Lastly, I wish to convey to the Court my regret that this request is belatedly made in contravention of the Court's Individual Rules and Practices in Civil Cases, an unfortunate result of my recent assignment to the action. I apologize to the Court and Plaintiffs for this lapse.

I thank the Court for its consideration of this request.

cc: ***Via ECF***
All counsel of record

Sincerely yours,

/s/ David S. Thayer

David S. Thayer

Application GRANTED.

Defendants' Answer to the Complaint (ECF No. 1) is due **January 17, 2024**.

The initial pretrial conference scheduled for January 23, 2024, at 10:30 a.m. EST is **ADJOURNED to February 6, 2024, at 3:00 p.m. EST**. The conference will be held via Microsoft Teams. The parties should dial in by calling (646) 453-4442 and entering the Phone Conference ID: 683 977 580#, followed by the pound (#) sign. **By January 30, 2024**, parties must file on ECF a joint letter, as described at ECF No. 12, and a proposed Civil Case Management Plan and Scheduling Order.

The Clerk of Court is respectfully requested to terminate ECF No. 14.

SO ORDERED.



Dale E. Ho
United States District Judge
Dated: December 19, 2023
New York, New York